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*Counsel for Defendants Xactware
Solutions, Inc. and Verisk Analytics, Inc.*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EAGLE VIEW TECHNOLOGIES, INC. and
PICTOMETRY INTERNATIONAL CORP.,

Plaintiffs,

v.

XACTWARE SOLUTIONS, INC. and
VERISK ANALYTICS, INC.,

Defendants.

Civil Action No. 15-cv-07025-RBK-JS

DEFENDANTS' NOTICE PURSUANT TO 35 U.S.C. § 282

Pursuant to 35 U.S.C. § 282, Defendants Xactware Solutions, Inc. and Verisk Analytics, Inc. (collectively, “Defendants”) identify the following materials that may be relied upon as invalidating one or more claims of U.S. Patent Nos. 8,078,436, 8,170,840, 9,129,376, 8,825,454, 8,818,770, and 9,135,737 (collectively, the “patents-in-suit”), and/or showing the state of the art relative to the patents-in-suit.

Defendants have already provided notice to Plaintiff Eagle View Technologies, Inc. (“Plaintiff”) and Pictometry International Corp. of the identity of certain publications, patents, materials and persons within the ambit of 35 U.S.C. § 282, through the pleadings, disclosures, and correspondence in this case, including but not limited to, invalidity contentions, expert witness reports, testimony, responses to interrogatories, disclosures under Rule 26, responses to requests for production, *Markman*-related disclosures, the materials and information disclosed in the Proposed Joint Final Pretrial Order, and/or Defendants’ trial exhibit list. Defendants expressly incorporate herein by reference all of the publications, patents, materials and specification of persons within the ambit of 35 U.S.C. § 282 previously referenced or cited in these pleadings, disclosures, testimony, correspondence, and other materials. To the extent not set forth below, Defendants incorporate by reference each patent and publication listed on the face of the patents-in-suit or identified in the prosecution histories of the patents-in-suit. For all publications, patents, and materials disclosed within the ambit of 35 U.S.C. § 282, Defendants reserve the right to rely upon all pages of each publication, patent and/or material.

Defendants may also rely on the patentees/authors of the patents, publications, and materials listed below, or as previously disclosed, as being prior inventors or as having prior knowledge of or as having previously used or offered for sale the purported inventions of the patents-in-suit.

Pursuant to the statutory provisions of 35 U.S.C. § 282, Defendants further refer to the list of identified publications, materials, and persons below. The inclusion of the references listed below in this notice should not be construed as a representation that Defendants will use every one of the references in their presentation of evidence at trial. No implications should be taken that reliance upon all of these materials is necessary to Defendants' defenses and counterclaims. Additionally, Defendants reserve the right to amend and/or supplement this notice to add additional items to this statement that were inadvertently omitted.

A. PATENTS

Defendants may rely on the entirety (*i.e.*, all pages) of the following patents, patent applications, patent publications, and patent-related materials at trial as they relate to the patents-in-suit, pursuant to 35 U.S.C. § 282:

Patent No./ Publication No. / Application No.	Title (as applicable)	Country of Origin	Date	Patentee(s)
510,758	Method of Photogrammetry	USA	Dec. 12, 1893	C. B. Adams
5,422,989	User interface mechanism for interactively manipulating displayed registered images obtained from multiple sensors having diverse image collection geometries	USA	Jun. 6, 1995	Bell et al.
6,448,964	Graphic object manipulating tool	USA	Sep. 10, 2002	Isaacs et al.
7,920,963	Map interface with a movable marker	USA	Apr. 5, 2011	Jouline et al.
8,078,436	Aerial roof estimation systems and methods	USA	Dec. 13, 2011; Reexamination Certificate Issued on Aug. 27, 2014	Pershing et al.
8,145,578	Aerial roof estimation system and method	USA	Mar. 27, 2012	Pershing et al.

8,170,840	Pitch determination systems and methods for aerial roof estimation	USA	May 1, 2012	Pershing
8,209,152	Concurrent display systems and methods for aerial roof estimation	USA	Jun. 26, 2012	Pershing
8,401,222	System and process for roof measurement using aerial imagery	USA	Mar. 19, 2013	Thornberry et al.
8,417,061	Methods and systems for provisioning energy systems	USA	Apr. 9, 2013	Kennedy et al.
8,542,880	System and process for roof measurement using aerial imagery	USA	Sep. 24, 2013	Thornberry et al.
8,818,770	Pitch determination systems and methods for aerial roof estimation	USA	Aug. 26, 2014	Pershing
8,823,732	Systems and methods for processing images with edge detection and snap-to feature	USA	Sep. 2, 2014	Adams et al.
8,825,454	Concurrent display systems and methods for aerial roof estimation	USA	Sep. 2, 2014	Pershing
9,129,376	Pitch determination systems and methods for aerial roof estimation	USA	Sep. 8, 2015	Pershing
9,135,737	Concurrent display systems and methods for aerial roof estimation	USA	Sep. 15, 2015	Pershing
9,501,700	System and method for construction estimation using aerial images	USA	Nov. 22, 2016	Loveland et al.
EP 1 010 966	Verfahren zur Erzeugung einer drei-dimensionalen Objektbeschreibung [Method for generating a three dimensional object description]	EUR	Oct. 23, 2002	Hartfiel et al. Aerowest GmbH (Patent holder)
Int'l Publication No. WO 2006/040775 A2	Computational Solution of an [sic] Building of Three Dimensional Virtual Models from Aerial Photographs	WIPO	Oct. 16, 2005 (International Filing Date)	Friedlander et al.

Int'l Application No. PCT/IL2005/001095			Apr. 20, 2006 (International Publication Date)	
Int'l Publication No. WO 2009/046459 A1	System and Method for Provisioning Energy Systems	WIPO	Oct. 6, 2008 (International Filing Date)	Kennedy et al.
Int'l Application No. PCT/US08/79003			Apr. 9, 2009 (International Publication Date)	
U.S. Patent Application No. 60/925,072	Aerial Roof Estimation System and Method	USA	Apr. 17, 2007 (filing date)	Pershing et al.
U.S. Patent Application No. 61/025,431	System and Method for Sizing a Roof for Installation of Solar Panels	USA	Feb. 1, 2008 (filing date)	Pryor et al.
U.S. Patent Application No. 12/148,439	Aerial Roof Estimation System and Method	USA	Apr. 17, 2008 (filing date)	Pershing et al.
U.S. Patent Application No. 61/047,086	Customer Relationship Management Module, Marketing Module, Quick Sizing Module, and Graphical User Interfaces for a Solar Energy Provisioning System	USA	Apr. 22, 2008 (filing date)	Kennedy
U.S. Patent Application No. 12/253,092	Aerial Roof Estimation Systems and Methods	USA	Oct. 16, 2008 (filing date)	Pershing et al.
U.S. Patent Application No. 61/197,904	User interface techniques for roof estimation	USA	Oct. 31, 2008 (filing date)	Pershing et al.
U.S. Patent Application No. 12/364,506	Methods and Systems for Provisioning Energy Systems	USA	Feb. 2, 2009 (filing date)	Kennedy et al.
U.S. Patent Application No. 12/467,244	Pitch Determination Systems and Methods for Aerial Roof Estimation	USA	May 15, 2009 (filing date)	Pershing
U.S. Patent Application No. 12/467,250	Concurrent Display Systems and Methods for Aerial Roof Estimation	USA	May 15, 2009 (filing date)	Pershing

U.S. Patent Application No. 12/470,984	System and Process for Roof Measurement Using Aerial Imagery	USA	May 22, 2009 (filing date)	Thornberry et al.
U.S. Patent Application No. 12/972,088	Systems and Methods for Processing Images with Edge Detection and Snap-To Feature	USA	Dec. 17, 2010 (filing date)	Adams et al.
U.S. Patent Application No. 13/438,288	Pitch Determination Systems and Methods for Aerial Roof Estimation	USA	Apr. 3, 2012 (filing date)	Pershing
U.S. Patent Application No. 13/474,504	Concurrent Display Systems and Methods for Aerial Roof Estimation	USA	May 17, 2012 (filing date)	Pershing
U.S. Patent Supplemental Examination Request No. 96/000,004	Aerial Roof Estimation Systems and Methods	USA	Dec. 28, 2012 (filing date)	Pershing et al.
U.S. Patent Application No. 13/774,478	System and Process for Roof Measurement Using Aerial Imagery	USA	Feb. 22, 2013 (filing date)	Thornberry et al.
U.S. Patent Application No. 14/449,045	Pitch Determination Systems and Methods for Aerial Roof Estimation	USA	Jul. 31, 2014 (filing date)	Pershing
U.S. Patent Application No. 14/450,108	Concurrent Display Systems and Methods for Aerial Roof Estimation	USA	Aug. 1, 2014 (filing date)	Pershing
U.S. Patent Publication No. 2006/0061566	Method and apparatus for performing three-dimensional computer modeling	USA	Mar. 23, 2006	Verma et al.
U.S. Patent Publication No. 2007/0220174	Marker placement in a mapping environment	USA	Sep. 20, 2007	Abhyanker
U.S. Patent Publication No. 2008/0262789	Aerial roof estimation system and method	USA	Oct. 23, 2008	Pershing et al.
U.S. Patent Publication No. 2009/0304227	Methods and Systems for Provisioning Energy Systems	USA	Dec. 10, 2009	Kennedy et al.
U.S. Patent Publication No. 2010/0296693	System and Process for Roof Measurement Using Aerial Imagery	USA	Nov. 25, 2010	Thornberry et al.

U.S. Patent Publication No. 2011/0205245	System and Method for Provisioning Energy Systems	USA	Aug. 25, 2011	Kennedy et al.
U.S. Patent Publication No. 2015/0370929	Pitch Determination Systems and Methods for Aerial Roof Estimation	USA	Dec. 24, 2015	Pershing
File History for U.S. Patent No. 8,078,436		USA		
File History for U.S. Patent No. 8,170,840		USA		
File History of U.S. Patent No. 8,209,152		USA		
File History of U.S. Patent No. 8,542,880		USA		
File History of U.S. Patent No. 8,818,770		USA		
File History of U.S. Patent No. 8,823,732		USA		
File History for U.S. Patent No. 8,825,454		USA		
File History for U.S. Patent No. 9,129,376		USA		
File History for U.S. Patent No. 9,135,737		USA		
File History for U.S. Patent No. 8,417,061		USA		
File History for Reexamination of U.S. Patent No. 8,078,436		USA		

B. ADDITIONAL PUBLICATIONS

Defendants may rely on the following publications at trial as they relate to the patents-in-suit, pursuant to 35 U.S.C. § 282:

Publication Date(s)	Title	Page Nos.
1525	Durer, <i>Figure 4. Woodcut by Durer The Draughtsman And The Lute</i> , TREATISE ON MENSURATION WITH THE COMPASS AND RULE IN LINES, PLANES, AND WHOLE BODIES	All pages; Figure 4 and associated disclosure
1899	Finsterwalder, <i>Die Geometrischen Grundlagen Der Photogrammetrie</i> , JAHRESBERICHT DER DEUTSCHEN MATHEMATIKER-VEREINIGUNG, BERLIN, VER. 6	All pages.
1940	Technical Manual, TM 5-230 Topographic Drafting [United States Army]	All pages.
1963	Machine Perception of Three-Dimensional Solids, LG. Roberts, Ph.D. Thesis MIT	All pages.
1990	Mundy et al., <i>The evolution and testing of a model-based object recognition system</i> , THIRD INTERNATIONAL CONFERENCE ON COMPUTER VISION	All pages.
Apr. 1990	Perlant et al., <i>Scene Registration in Aerial Image Analysis</i> , AMERICAN SOCIETY FOR PHOTOGRAMMETRY AND REMOTE SENSING, PHOTOGRAMMETRIC ENGINEERING AND REMOTE SENSING, VOL. 56, NO. 4	All pages.
Jun. 3–7, 1991	Sistare, <i>Graphical Interaction Techniques in Constraint-Based Geometric Modeling</i> , PROCEEDINGS OF GRAPHICS INTERFACE '91: CALGARY, ALBERTA, CANADA	All pages.
1992	Mundy et al., <i>The RADIUS common development environment</i> , PROC. 20 TH AIPR WORKSHOP, SPIE VOL. 1623	All pages.
1993	Nielsen, <i>Usability Engineering</i> , MORGAN KAUFMANN	All pages.
1993	Hartley et al., <i>Relationship between photogrammetry and computer vision</i> , PROCEEDINGS VOLUME 1944, INTEGRATING PHOTOGRAMMETRIC TECHNIQUES WITH SCENE ANALYSIS AND MACHINE VISION	All pages.
Feb. 1993	Digital Orthophotos, U.S. DEPARTMENT OF THE INTERIOR, U.S. GEOLOGICAL SURVEY	All pages.
1995	Gleicher, <i>Image Snapping</i> , ADVANCED TECHNOLOGY GROUP APPLE COMPUTER, INC.	All pages.
Nov. 1995	Hsieh, <i>Design and Evaluation of a Semi-Automated Site Modeling System</i> , CMU-CS-95-195, DIGITAL MAPPING LABORATORY, SCHOOL OF COMPUTER SCIENCE,	All pages.

	CARNEGIE MELLON UNIVERSITY, PITTSBURGH, PA 15213-3891	
1996	R. Collins et al., <i>The UMass Ascender System for 3D Site Model Construction</i> , RADIUS: IMAGE UNDERSTANDING FOR IMAGERY INTELLIGENCE, MORGAN KAUFMANN	All pages.
1996	Heller et al, <i>The Site-Model Construction Component of the RADIUS Testbed System</i> , PROC. ARPA IMAGE UNDERSTANDING WORKSHOP, PALM SPRINGS, CA	All pages.
1996	McKeown, Jr., et al., <i>Chapter 9, Feature Extraction and Object Recognition, Automatic Cartographic Feature Extraction Using Photogrammetric Principles</i> , DIGITAL PHOTOGRAMMETRY: AN ADDENDUM TO THE MANUAL OF PHOTOGRAMMETRY; PUBLISHED BY AMERICAN SOCIETY FOR PHOTOGRAMMETRY AND REMOTE SENSING	All pages.
1997	The Site-Model Construction Component of the RADIUS Testbed System from Proceedings: ARPA Image Understanding Workshop, Palm Springs (CA)	All pages.
July 13–17, 1998	Läbe et al., <i>Robust Techniques for Estimating Parameters of 3D Building Primitives</i> , INTERNATIONAL SOCIETY FOR PHOTOGRAMMETRY AND REMOTE SENSING, VOLUME XXXII, PART 2, COMMISSION II, PROCEEDINGS OF THE COMMISSION II SYMPOSIUM, DATA INTEGRATION: SYSTEMS AND TECHNIQUES	All pages.
2000	Hartley et al, <i>Multiple View Geometry in Computer Vision</i> , CAMBRIDGE UNIV. PRESS	All pages.
Sep. 16, 2000	Able Software Corp., <i>R2V User's Manual, Advanced Raster to Vector Conversion Software</i>	All pages.
May 2001	Noronha et al., <i>Detection and Modeling of Buildings from Multiple Aerial Images</i> , IEEE TRANSACTIONS ON PATTERN ANALYSIS AND MACHINE INTELLIGENCE, VOL. 23, ISSUE NO. 5	All pages.
Nov. 2002	<i>Product Bulletin – November 2002: Key features of our Roofing Software</i> , TECHNICAL BULLETIN NOV 2002 (APPLICAD)	All pages.
2003	Zitova et al., <i>Image Registration Methods: A Survey</i> , IMAGE AND VISION COMPUTING 21	All pages.
2004	McGlone et al, <i>Manual of Photogrammetry</i> , AMERICAN SOCIETY FOR PHOTOGRAMMETRY AND REMOTE SENSING, 5TH ED.	All pages.
Aug. 29–30, 2005	Avrahami et al., <i>Extraction of 3D Spatial Polygons Based on the Overlapping Criterion for Roof Extraction from Aerial Images</i> , IAPRS	All pages.

Sep. 2006	Bertan et al., <i>Automatic 3D Roof Reconstruction using Digital Cadastral Map, Architectural Knowledge and an Aerial Image</i> , IEEE INTERNATIONAL CONFERENCE ON GEOSCIENCE AND REMOTE SENSING SYMPOSIUM	All pages.
Sep. 4–8, 2006	Brofferio et al., <i>Interactive Detection of 3D Models of Building's Roofing for the Estimation of the Solar Energy Potential</i> , 14TH EUROPEAN SIGNAL PROCESSING CONFERENCE (EUSIPCO 2006), FLORENCE, ITALY	All pages.
Nov. 2007	Yang et al., <i>Registration of Challenging Image Pairs: Initialization, Estimation, and Decision</i> , IEEE TRANSACTIONS ON PATTERN ANALYSIS AND MACHINE INTELLIGENCE, VOL. 29, NO. 11	All pages.
July 2007	Pictometry International Corp., <i>Pictometry Visual Intelligence, Electronic Field Study™ Getting Started Guide, Version 2.7</i>	All pages.
2008	Xiao et al., <i>Geo-spatial Aerial Video Processing for Scene Understanding and Object Tracking</i> , IEEE	All pages.

C. PERSONS UPON WHOM DEFENDANTS MAY RELY AS A PRIOR INVENTOR OR AS HAVING PRIOR KNOWLEDGE OF OR AS HAVING PREVIOUSLY USED OR OFFERED FOR SALE THE INVENTION OF THE PATENTS-IN-SUIT

In accordance with 35 U.S.C. § 282, Defendants may rely upon the following individuals “as the prior inventor or as having prior knowledge of or as having previously used or offered for sale the invention of” any or all of the patents-in-suit: (1) all patentees, applicants, and authors of the patents and publications listed above and previously disclosed during this case; (2) the named inventors of the patents-in-suit; (3) all individuals listed as potential witnesses and expert witnesses for trial in the parties’ Proposed Joint Final Pretrial Order and (4) all individuals identified in Fed. R. Civ. P. 26(a)(1) disclosures, in connection with expert discovery, or in other discovery produced in this case. The names and addresses, as applicable, of those individuals are incorporated herein by reference.

Dated: May 10, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that true copies of the foregoing DEFENDANTS' NOTICE PURSUANT TO 35 U.S.C. § 282 was caused to be served on May 10, 2019 via ECF and/or email upon counsel of record.

By: s/Scott S. Christie
Scott S. Christie